S.B.CR. MISC. PETITION NO.1839/20007

(Devi alias Amar Jeet Kaur & Ors. Vs. State of Rajasthan & Anr.)

Date of Order : December 06, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.Trilok Joshi, for the petitioners.

By the instant criminal petition under section 482 Cr.P.C., the petitioners have challenged the order dt. 4.10.2007 passed by the Additional Sessions Judge, Raisingh Nagar (for short the `revisional court' hereinafter) whereby the revision petition filed by the petitioners against the order dt. 27.6.2002 passed by the Additional Chief Judicial Magistrate, Raisingh Nagar (for short `the trial court' hereinafter) taking cognizance for the offences under section 120-B, 364 , 302 and 201 I.P.C. was dismissed.

I have heard learned counsel for the petitioners. Carefully gone through the orders passed by the trial court as well as by the revisional court. Both the courts below have taken into consideration the entire material available before it and by well reasoned order, the trial court took the cognizance for the offences noticed above and issued the process against the petitioners.

On a revision, the revisional court on examination of

record, did not find any error in the order of the trial court and dismissed the revision petition.

In view of the fact that petitioners have already availed the remedy by way of filing a revision petition before the revisional court as envisaged under Section 397 Cr.P.C. Under the garb of this petition under Section 482 Cr.P.C., the petitioners cannot be allowed to seek remedy of second revision, which is expressly barred by Section 397 (3) Cr.P.C. Even otherwise, on careful perusal of entire material available, in my view, both the courts below were justified in passing the orders impugned. It cannot be said that the orders impugned would result in serious miscarriage of justice or abuse of process of Court.

The petition is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-

S.B.Cr.Misc. Stay Petition No.1490/2007
In
S.B.CR. MISC. PETITION NO.1839/20007

(Devi alias Amar Jeet Kaur & Ors. Vs. State of Rajasthan & Anr.)

Date of Order : December 06, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.Trilok Joshi, for the petitioners.

Since the main petition has been dismissed, stay petition also stands dismissed.

[H.R.PANWAR],J.

m.asif/-